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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,121	12/03/2003	Morton Graham	7396	4765

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Samuels, Gauthier & Stevens LLP
Suite 3300
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Boston, MA 02110

EXAMINER

CRANSON JR, JAMES W

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,121

Applicant(s)

GRAHAM, MORTON

Examiner

James W Cranson

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Am

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-15 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the light emerging at an angle of less than 30 degrees and light emerging at an angle of less than 5 degrees. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0128538A1 to Shinohara et al. in view of JP 2003-036706 to Hideo.

Shinohara et al. discloses an edge lighted illumination device that emits light at an angle of less than 30 degrees from the illumination plate wherein illumination plate has second face opposite first face separated by edge perpendicular to at least one of faces.

Regarding claims 1 and 3

An illumination device (1) comprising illumination means having at least one illumination plate (2), at least one edge (2a) at least one face (2b), at least one light source (3) plate is acrylic ([0004, plate 2 is methacrylic) from which light emerges at angle less than 30 degrees from the plane of the surface at the point of emergence ([0024, defined by angles of emission up to 30 degrees.])

Shinohara et al does not disclose a diffusion cover. Hideo discloses an illumination device that uses a diffusion cover to diffuse light from LEDs.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Shinohara with a diffusing as taught by Hideo. Such an addition is obvious because Hideo teaches the advantages of using a diffusion cover and because it is well known in the illumination art to modify light with a diffuser.

Regarding claim 2, according to claim 1 wherein emission angle is less than five degrees (figure 38).

Regarding claims 4 and 5 according to claim 1, wherein cover encloses plate and boundary of cover equal to or larger than plate and inner surface area of cover is greater than surface area of plate. It would have been obvious to one of ordinary skill in the art at the time of the invention provide a cover that fits. The reason is protect the device by preventing dirt and other particles getting on the plate.

Regarding claim 8, according to claim 1, having at least one LED, ([0002]).

Regarding claims 9, 10, and 12 according to claim 1, wherein plate is flat and part of plate is arcuate in shape and cover is 3D in shape. Shinohara as modified above discloses the claimed invention except for the arcuate and 3D limitations. It would be obvious to one of

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ordinary skill in the art at the time the invention was made to provide modified Shinohara with a plate having a part that is arcuate and to provide a 3D cover since it has been held that lacking any critically, changing the form or shape of prior art parts does not make the claimed invention patentable over that prior art (In re Dailey, 149USPQ 47 [CCPA 1976].

Regarding claim 11 according to claim 3 wherein second face of the plate is adapted to prevent light emerging therefrom by reflective means to reflect the light back into the illumination plate ([0037] sixth surface light source device has a reflection plate provided on opposite surface(back surface)).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0128538A1 to Shinohara et al and JP 2003-036706 to Hideo.as applied to claim 1 above, and further in view of US 5,971,556 to Carter et al

Regarding claims 13 and 14, according to claim 1, having graphics displayed on the cover or graphics on a light transmissive carrier that overlies the cover

Carter discloses an illumination having the graphics on or in cover 22(column 3, line43-45). It would be obvious to one of ordinary skill in the art at the time the invention was made to provide modified Shinohara with a cover having graphics on or in as taught by Carter. The reason is having the graphics on the cover improves the clarity of the graphics(column 3,line 43-49).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0128538A1 to Shinohara et al and JP 2003-036706 to Hideo.as applied to claim 1 above, and further in view of Official Notice.

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Regarding claim 15, according to claim 1, wherein part of inner surface of cover is reflective. The examiner takes Official Notice that except for special light absorbing materials, a part of all materials is reflective.

Allowable Subject Matter

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6, 7 according to claim 1, have the limitation wherein minimum distance between face and inner surface of cover is at least 10mm and minimum distance between face and inner surface of cover is not less than 30mm. These limitation combined with claim 1 is not found or taught in the art of record.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Husar
Primary Examiner